

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

Civ. No. 07-1289 MV/LFG

A TOUCH OF GLASS ENTERPRISES, INC.,
EMILY GORDON, individually, and
EMERALD DUQUETTE, individually,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for Summary Judgment (Doc. No. 36, filed December 17, 2008) and on Plaintiff's Motion for Leave to Exceed Page Limits (Doc. No. 37, filed December 17, 2008). For the reasons stated below, the Court will **DENY** Plaintiff's Motion for Summary Judgment without prejudice and will **DENY** Plaintiff's Motion for Leave to Exceed Page Limits as moot.

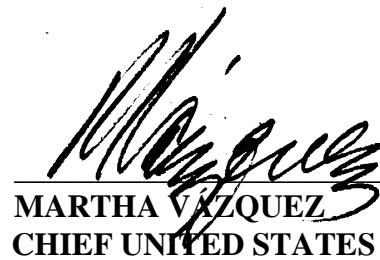
Plaintiff filed her Motion for Summary Judgment on December 17, 2008. Plaintiff subsequently filed her Amended Complaint (Doc. No. 51, filed March 31, 2009). A "pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified." *Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990). Because it relates to the original complaint, the Court will deny Plaintiff's Motion for Summary Judgment without prejudice. Plaintiff may file a motion for summary judgment relating to the Amended Complaint.

Plaintiff's Motion for Leave to Exceed Page Limits seeks permission to exceed the 50-page limit for two exhibits that support Plaintiff's Motion for Summary Judgment. Because it is denying

Plaintiff's Motion for Summary Judgment, the Court will deny Plaintiff's Motion for Leave to Exceed Page Limits as moot. Plaintiff may exceed the page limit for exhibits if Plaintiff files a motion for summary judgment relating to her Amended Complaint.

IT IS SO ORDERED.

Dated this 15th day of May, 2009.



MARTHA VAZQUEZ
CHIEF UNITED STATES DISTRICT JUDGE

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